



DEPARTMENT OF THE NAVY
UNITED STATES FLEET FORCES COMMAND
1562 MITSCHER AVENUE SUITE 250
NORFOLK VA 23551-2487

5720

Ser N01P 2017-17-002923/ 031
9 May 2017

Alex D. Bellingham
3750 S. Cupertino Drive
Gilbert, AZ 85297

Dear Mr. Bellingham:

This letter is in response to your Freedom of Information Act request dated January 25, 2017, received in this command on February 16, 2017, where it was assigned case file number USFF 2017-17-002923. In your request you asked for official records of all U.S. Navy Ships, Gear and Aircraft that were within 3 nautical miles but no further out than 20 nautical miles from the flight path of TransWorld Airlines Flight 800 which went down on July 17, 1996.

Your request was processed in accordance with the Freedom of Information Act (5 U.S.C. § 552), Part 701 of Title 32 of the Code of Federal Regulations, and the Department of the Navy Freedom of Information Act Program (SECNAVINST 5720.42F).

Although your request was quite broad, a diligent search was conducted of the files and databases maintained by the Operations department of Commander, U.S. Fleet Forces Command; Commander, Naval Surface Force, U.S. Atlantic Fleet; Commander, Naval Air Force, U.S. Atlantic Fleet; and Commander, Submarine Force, U.S. Atlantic Fleet. Inquiries were also made of strike groups subordinate to USFF (Carrier Strike Groups TWO, FOUR, EIGHT, TEN and TWELVE), the Naval Heritage and History Command and lastly, the National Archives and Records Administration. After a review of the responsive documents found, it was determined that certain portions of those documents were exempt from disclosure under the following FOIA exemptions:

5 USC 552 (b)(1), information properly and currently classified in the interest of national defense or foreign policy, Executive order, and implemented regulations, and

5 USC 552 (b)(6), information in personnel and medical files, as well as similar personal information in other files (for example: names and ranks of active duty military personnel, social security numbers, home addresses, email addresses, phone numbers, etc.), that if disclosed would result in a clearly unwarranted invasion of personal privacy.

The Secretary of the Navy Instruction M-5210.1 provides specific guidance on the retention and/or destruction of all official records. Accordingly, many records are destroyed on schedule unless otherwise required by law to be retained or transferred to the National Archives and Records Administration.

5720

Ser N01P 2017-17-002923/ 031

9 May 2017

In this instance, the fees associated with the processing of this request were below the minimum threshold and have not been assessed. Please be advised, however, that fees, fee categories, and fee waivers are determined on a case-by-case basis, and a previous determination has no influence on future determinations.

For this determination, you have the right to seek dispute resolution services from either the DoD Navy Component FOIA Public Liaison, Mr. Chris Julka, at christopher.a.julka@navy.mil, (703) 697-0031; or by contacting the Office of Government Information Services (<https://ogis.archives.gov/>), ogis@nara.gov, (202) 741-5770.

If you are not satisfied with the response to this request, you may administratively appeal by writing to:

Office of the Judge Advocate General
Department of the Navy
Attn: FOIA Appeals, Code 14
1322 Patterson Ave, SE, Ste. 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be received within ninety (90) calendar days from the date of this letter. A copy of your initial request and this denial letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial decision to be in error.

I am the person responsible for this determination. Please contact Ms. Linda Alvers at (757) 836-3630 or at linda.alvers@navy.mil if you require further assistance.

Sincerely,



W.M. KAFKA
Commander, U.S. Navy
Director Fleet Public Affairs
By direction of the Commander

Copy to:
Case File
Serial File